

**BARBERING AND COSMETOLOGY EXAMINING BOARD MEETING
MINUTES
MADISON, WI
MONDAY, APRIL 8, 2002**

PRESENT: Barbara Flaherty, Bruce Bennett, Laura Jenkins, Karen Kraus (left at 11:00 a.m.), Leon Lauer, Marvile Martin, Lee Martinez, Denise Svetly

EXCUSED: Lorraine Norem

STAFF PRESENT: Mary Forseth, Wayne Austin, Grace Schwingel, Judy Mender, Greg Raube-DOE, Michele Krisher & Melissa Locke -DOE, Joel Garb, Pam Haack - Legal Services

GUESTS: Ken Moore, Chief of Field Operations for the Bureau of Apprenticeship Standards at the Department of Workforce Development (DWD)
Approximately 20 representatives from the barbering & cosmetology profession

CALL TO ORDER

Barbara Flaherty, Chair, called the meeting to order at 9:40 a.m. A quorum of 8 members was present.

AGENDA

MOTION: Leon Lauer moved, seconded by Marvile Martin, to adopt the agenda as published. Motion carried unanimously.

MINUTES (2/4/2002)

It was noted that in the 2/4/02 minutes, Karen Kraus was listed as being absent, but actually she attended the February Board meeting by telephone. The Board Roster under Administrative Report, indicated that Kathy Schauers would be added to the Continuing Education Committee. At this time, this is simply a board committee and as such can only have board members on it. (Grace will correct these items in the minutes.)

MOTION: Leon Lauer moved, seconded by Marvile Martin, to approve the minutes as amended. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Karen Krause moved, seconded by Leon Lauer, to elect Barbara Flaherty as Board Chair. Motion carried unanimously.

MOTION: Marvile Martin moved, seconded by Laura Jenkins, to nominate Marvile Martin as Vice Chair. Lee Martinez moved, seconded by Leon Lauer to nominate Lee Martinez as Vice Chair. A vote was taken and Lee Martinez was elected Vice Chair of the Board. Motion carried unanimously.

MOTION: Karen Kraus moved, seconded by Laura Jenkins, to elect Leon Lauer as Secretary. Motion carried unanimously.

ADMINISTRATIVE REPORT

Mary Forseth, Bureau Director

Mary Forseth introduced herself and gave an overview of her professional background.

- **Board Roster**

Leon Lauer's new home address is: 2140 Holmgren Way, Green Bay, WI 53404.

The Board requested that Lori Huntoon's and Judy Mender's names and phone numbers be added to the Board Roster. Mary Forseth has since discussed this request with the Division Administrator and was informed that the Department would prefer not to have licensing staff on Board Rosters. However, the information will be included on Regulatory Digests and made readily available to Board members.

- **2002 Meeting Dates**

Approved

- **DRL Reorganization**

Mary Forseth introduced Lori Huntoon, Division Administrator for the Division of Professional Credential Processing. Lori gave an overview of her professional background and explained how the reorganization of the Department has impacted the way the professional credentialing process is now working. She encouraged board members to contact her with any credentialing concerns. Credentialing for both health and business professions will now be handled together in one unit. The Board will continue to work with Judy Mender, backed up by PJ Monson and a third person, who will be hired shortly, to process barbering and cosmetology applications and credentials.

- **Regulatory Digest, Final Draft - Katherine Hildebrand**

Katharine Hildebrand reviewed the draft of the Regulatory Digest, reporting to the Board on changes that will be made to upgrade the appearance of the Digest.

The Board would like to add a survey on continuing education requesting suggestions regarding which areas in the profession would benefit most from continuing education courses. It was decided that respondents would e-mail, or write responses directly to the Department and the committee will process the responses. Karen Krause will submit written questions for Mary Forseth and Barb Showers to put into final format.

Hildebrand reviewed other articles that will be appearing in the Regulatory Digest, including an update on booth rental issues and continuing education. She also explained the Customer Service Survey board members will be receiving. The next Regulatory Digest will be published in September or October 2002.

New Board officers should also be listed in the Regulatory Digest: Barb Flaherty, Chair; Lee Martinez, Vice Chair; Leon Lauer, Secretary.

Hildebrand reported on plans being made for the Board Member Workshop on Tuesday, June 25, 2002, at the Crowne Plaza on East Washington Ave., in Madison. Hildebrand gave an overview of topics that will be presented at the Board Member Workshop and requested board comments on topics that they would like to have presented at this board member workshop. Board members can reach her by phone at (608) 261-4482; her e-mail address has remained the same, katharine.hildebrand@drl.state.wi.us

APPRENTICESHIP PROGRAM – KEN MOORE, DWD

Ken Moore gave some history and an overview of the “Train the Trainer” program that was developed for the apprenticeship program and distributed a "Transition To Trainer" booklet. There was a lively discussion on different aspects of the program, such as who would be required to take this course and the pros and cons of requiring continuing education.

The board tabled any action on this program until Board members had the opportunity to look over the material in the "Train the Trainer" booklet.

PRACTICE ISSUES

Report from the Continuing Education Committee

Karen Kraus gave a report of the Continuing Education Committee meeting that met prior to the Board meeting. The Committee will present information and questions that were raised, using the Regulatory Digest as a polling mechanism to identify topics that may be lacking in the current educational program, and to determine appropriate content and number of hours for continuing education courses.

Joanne Kornitz attended the annual meeting of the National Cosmetology Association of WI on April 7th and reported that there was a sense of urgency regarding the implementation of continuing education. Denise Svetly attended a recent meeting of the Wisconsin Electrology Association and reported that similar continuing education goals were presented at that meeting as well.

LEGISLATIVE UPDATE

Final Outcome of AB224 (Flaherty)

It was noted that Lee Martinez, Laura Jenkins, and Barb Flaherty represented the Board in a very articulate and professional manner at the Senate public hearings for AB 224. The Board was in agreement with the legislative resolution to this issue. Leon Lauer expressed his disappointment that the Secretary of the Department did not support the Board on this issue. The Board also expressed concern about the disrespect that was shown the Board and the profession by the Assembly Committee. The Board viewed this interaction with the legislature as a valuable learning experience.

Barb Flaherty will work with Bruce Bennett to write a letter to respond to questions raised by Senator Moen, explaining why there are so many different types of licenses issued by the Barbering & Cosmetology Board. This was viewed as a good opportunity to keep the legislators informed about the barbering & cosmetology industry.

ADMINISTRATIVE RULES UPDATE

Revisions, Third Draft (Austin/Haack)

Forseth handed out a copy of the rule draft, BC 1.01, describing the process the rule draft will go through. Forseth requested comments from the Board on any adjustments that need to be made to the rule draft before she writes an analysis of the rule draft and gives it to Pamela Haack and Wayne Austin. A public hearing on BC 1.01 will be scheduled for the next board meeting on June 3rd.

BOARD MEMBER ACTIVITY

Barb Flaherty, NIC Region II Meeting, New Orleans, LA, June 1 & 2, 2002

Barb Flaherty will be attending the NIC Region II Meeting in New Orleans on June 1 & 2, 2002. Flaherty reviewed agenda items that will be discussed at the Region II meeting. Flaherty will not be available to attend the June 3rd meeting so Lee Martinez will chair the June meeting.

DIVISION OF ENFORCEMENT

Introduce New Division Administrator, Barry Wanner

Forseth introduced Barry Wanner, Division Administrator for the Division of Enforcement (DOE). Wanner reviewed with the Board, staff members in the Division of Enforcement that will now be working with the Board and explained changes in the organizational structure in DOE. There are now three units in DOE - 1) Dave O'Connell who is responsible for intake, monitoring, auditing, compliance with Board orders, screening. The attorney assigned to the Board, as the principal screener is Jerry Scanlon. 2) Mike Berndt heads the Health team, and will not be working with this board. 3) Jack Temby, Attorney Supervisor for the Business Team, will be working with this board. Greg Raube, Investigator Supervisor of the Business Team. Resolving older cases is a top priority in DOE. Wanner expressed his desire to work with the Board to expedite enforcement issues the Board will be handling.

NEW BUSINESS

It was noted that guests attending today's meeting did not sign in on the Sign-In Sheet provided. In the future the sign in sheet will be circulated among guests attending the board meeting. There was a brief discussion on establishing procedures to be followed by guests who wish to address the board.

Also, a comment was made about the need for board solidarity and the necessity of all board members being involved in fulfilling all of the responsibilities and requirements of the Board to avoid fragmentation of the Board.

CONVENE TO CLOSED SESSION

MOTION: Leon Lauer moved, seconded by Denise Svetly, to convene to closed session to deliberate on cases involving hearings (s. 19.85 (11)(a), Stats.); to consider licensure or discipline (s. 19.85(1)(b), Stats.); to consider individual histories or disciplinary date (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Motion carried by a roll call vote: Barbara Flaherty-Yes; Bruce Bennett-Yes; Laura Jenkins-Yes; Karen Kraus-no (left at 11:00 a.m.); Leon Lauer-Yes; Marvile Martin-Yes; Lee Martinez-Yes; and Denise Svetly-yes.

Closed session convened at 11:20 a.m.

Joel Garb reviewed and evaluated the examination products from potential vendors with the Board members.

The Board deliberated on disciplinary investigations with administrative warnings, stipulations and case summaries presented for closings.

RECONVENE TO OPEN SESSION

MOTION: Leon Lauer moved, seconded by Denise Svetly to convene into open session at 1:20 p.m. Motion carried unanimously.

The Board will prepare a list to give to Barb Showers for the next Board meeting dealing with concerns the Board would like to have presented to the testing agency.

MOTION: Leon Lauer moved, seconded by Denise Svetly, that the Board agrees to accept all of the decisions of department staff on the following case closures, stipulations, fines, and administrative warnings, as discussed in closed session. Motion carried unanimously.

Case Closings:

00 BAC 095 – as amended.
01 BAC 054 -- Insufficient evidence (VIP Nail, Phong V. Cao)
01 BAC 054 -- P2 - prosecutorial discretion (VIP Nail, Phuc Viet Tran)
01 BAC 043 – Insufficient Evidence
01 BAC 088 – Insufficient Evidence
01 BAC 071 – Closed for no violation

ADMINISTRATIVE WARNING

01 BAC 029 -- Administrative Warning

STIPULATIONS

As presented by Michelle Krisher:

01 BAC 086 – \$500 fine and loss of license
01 BAC 067 - \$200 fine and compliance with stipulation order
00 BAC 095 – \$100 fine, payment should be submitted in 30 days (not 30 months).
01 BAC 058 -- \$1,100 fine
01 BAC 052 – closed for no violation
01 BAC 076 – closed for no violation
01 BAC 084 – closed for insufficient evidence
01 BAC 097 – closed for insufficient evidence
01 BAC 106 – closed for prosecutorial discretion P2 – compliance gained

As presented by Ralph Draeger:

00 BAC 064 – P3
99 BAC 083 – P3
00 BAC 091 – administrative closure, case opened in error.

ADJOURNMENT

MOTION: Leon Lauer moved, seconded by Laura Jenkins, to adjourn the meeting at 1:50 p.m. Motion carried unanimously.

NEXT MEETING: June 3, 2002